IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.3109 of 2001

Dated: October 10, 2007

Between:

B.K. Raghava Reddy, S/o. late Ram Reddy,
Aged 59 years, President, Primary Agricultural
Cooperative Society Ltd., Rayadurg Village,
Sherilingampalli Mandal, Ranga Reddy District.

… Petitioner

And

The Inspector of Police (AP Transco)
Vigilance, Anti-power Theft Station,
Team-II Circle, Vidyut Soudha,
Khairatabad, Hyderabad, and another.

… Respondents

Order:

Petitioner, President of Primary Agricultural Cooperative Society, Rayadurg village, Ranga Reddy District, has filed this writ petition questioning the case registered against him by the respondents in Crime No.133/01 under Section 39 of the Indian Electricity Act, 1910, on the ground that he is responsible for pilferage of energy.

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing for respondents.

3. The Primary Agricultural Cooperative society, Rayadurg, a society registered under A.P. Cooperative Societies Act, 1964, owns a building bearing Door No.6-22/1 at Rayadurg village and is running its affairs therein. In the said building, two shops were leased out to Mr. G. Naveen Kumar and Mr. Srinivasa Reddy respectively on monthly rent. An inspection was made in the said premises on 06-02-2001 and it was found that the aforesaid two tenants of the shops were indulging in theft of energy by direct tapping from L.T line. Accordingly, a case was booked against the petitioner - President of the Society, which is the registered consumer.

4. The case of the petitioner is that merely because he is the President of the Society, which is the registered consumer, he cannot be held liable for the offence committed by the tenants.

5. Respondents have filed counter affidavit stating that though a case in Cr.No.133/2001 was registered against the petitioner under Section 39 of the Indian Electricity Act, 1910, however, investigation revealed that two tenants, namely, Mr. Naveek Kumar and Mr. Srinivasa Reddy are responsible for pilferage of energy and they are liable to be prosecuted, but not the petitioner herein.

6. As much as it has come into light that petitioner is not responsible for theft of energy and it is the tenants of the building owned by the Society that are responsible, there appears no reason at all in proceeding against the petitioner. In view of the stand taken by the respondents in the counter affidavit that petitioner is not responsible for theft of energy, the case registered against him in

Cr.No.133/2001 on the file of Anti-Power Theft Station, Team-II, Vidyut Soudha, Hyderabad is quashed so far as the petitioner herein is concerned.

7. The writ petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 10, 2007
MRR